

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT G. WYCKOFF,	:	CIVIL ACTION NO. 00-2248
Plaintiff,	:	
	:	
	:	
v.	:	CHIEF JUDGE DONETTA W. AMBROSE
	:	
METROPOLITAN LIFE INSURANCE	:	
COMPANY AND KENNETH F.	:	
KACZMAREK,	:	
Defendants.	:	

**DEFENDANTS METROPOLITAN LIFE INSURANCE COMPANY’S AND KENNETH
F. KACZMAREK’S BRIEF IN SUPPORT OF THEIR MOTION IN LIMINE TO
EXCLUDE EVIDENCE OF PRIOR “BAD ACTS” OF KENNETH F. KACZMAREK**

PRELIMINARY STATEMENT

Metropolitan Life Insurance Company (“MetLife”) and Kenneth F. Kaczmarek hereby submit the following Motion in Limine to Exclude Evidence of Other Alleged “Bad Acts” by Kenneth F. Kaczmarek:

1. Plaintiff has identified Exhibit 35, the sworn statement of Mr. Friedt, taken in preparation for an unrelated wrongful termination case in 1994. See Ex. A. Plaintiff has also identified Exhibits 33, 34, 36, 37, 38, and 39, a number of documents related to complaints allegedly filed against Mr. Friedt (and other sales representatives) regarding “internal replacement,” and communications and charts detailing Mr. Friedt’s rate of internal replacement, known within MetLife as his financed in-force premium rate, or his “FIP ratio.” See Ex. B-G. Plaintiff has also identified Exhibits 26 and 27, which refer to the mistaken issuance of an

unrelated policy with the wrong face value. See Ex. H & I. Finally, plaintiff has identified Exhibits 32 and 40 which involve complaints against Mr. Friedt (and other sales representatives) for allegedly selling insurance policies as “50/50 savings plans” or as “Individual Retirement Benefits.” See Ex. J & K.

2. Testimony and exhibits related to the alleged “bad acts” of Mr. Friedt, including plaintiff’s Proposed Exhibits 26, 27, and 32-40 should be excluded for the reasons set forth in detail in MetLife’s and Mr. Friedt’s Brief in Support of their Motion to In Limine to Exclude Evidence of Other Alleged “Bad Acts” by Kenneth F. Kaczmarek, which is incorporated by reference.

WHEREFORE, defendants respectfully request that this Court grant Metropolitan Life Insurance Company’s and Kenneth F. Kaczmarek’s Motion in Limine to Exclude Evidence of Other Alleged “Bad Acts” by Kenneth F. Kaczmarek and enter an Order barring the introduction or use of evidence of alleged “bad acts” committed by Kenneth F. Kaczmarek, including plaintiff’s Proposed Exhibits _____.

Respectfully Submitted,

s/ B. John Pendleton, Jr.
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Attorneys for Defendant
Metropolitan Life Insurance Company
and Kenneth F. Kaczmarek

Dated: October 3, 2006

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the electronic filing service, on this 3rd day of October, 2006, on the following counsel of record:

Kenneth R. Behrend, Esq.
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s/ B. John Pendleton, Jr.